

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**
HEALTH CARE FINANCING ADMINISTRATION

1. TRANSMITTAL NUMBER:

2001 - 1 4

2. STATE:

MS

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

July 1, 2001

5. TYPE OF PLAN MATERIAL (Check One):

☐ NEW STATE PLAN

☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN

☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:

Office of Civil Rights LHP Guidelines

7. FEDERAL BUDGET IMPACT:

a. FFY 2001 \$ -0-

b. FFY 2002 \$ -0-

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Page 67

Att. 7.2 Exhibit A Pages 1-8

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):

Page 87

Att. 7.2 Exhibit A Pages 1-8

10. SUBJECT OF AMENDMENT: This State Plan Amendment changes the Medicaid agency's methods of administration to include Limited English Proficiency.

11. GOVERNOR'S REVIEW (Check One):

☒ GOVERNOR'S OFFICE REPORTED NO COMMENT

☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

☐ OTHER, AS SPECIFIED:

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME:

Rica Lewis-Payton

14. TITLE:

Executive Director

15. DATE SUBMITTED:

June 27, 2001

16. RETURN TO:

Rica Lewis-Payton, Executive Director
Division of Medicaid
Attn: Rose Comere
239 North Lamar Street, Suite 801
Jackson, MS 39201-1399

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

June 29, 2001

18. DATE APPROVED:

July 20, 2001

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:

July 1, 2001

20. SIGNATURE OF REGIONAL OFFICIAL:

21. TYPED NAME:

Eugene A. Grasso

22. TITLE:

Associate Regional Administrator
Division of Medicaid and State Operations

23. REMARKS:

Revision: HCFA-PM-91-4
August 1991

87
(BPD)

OMB No.: 0938

State / Territory: Mississippi

Citation

7.2

Nondiscrimination

45 CFR Parts
80 and 84

In accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. Seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 70b), and the regulations at 45 CFR Parts 80 and 84, the Medicaid agency assures that no individual shall be subject to discrimination under this plan on the grounds of race, color, national origin, or handicap.

The Medicaid agency has methods of administration to assure that each program or activity for which it receives federal financial assistance will be operated in accordance with Title VI regulations. These methods for Title VI are described in ATTACHMENT 7.2-A

TN No. 2001-14
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Effective Date: ~~JUL 01 2001~~
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Date Received: ~~JUN 29 2001~~

HCFA ID: 7982

OFFICE OF THE GOVERNOR DIVISION OF MEDICAID

METHODS OF ADMINISTRATION

FOR

RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE TITLE VI - CIVIL RIGHTS COMPLIANCE

Transmittal #2001-14
Supersedes TN No. 87-19

Effective Date: JUL 01 2001
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DIVISION OF MEDICAID
METHOD OF ADMINISTRATION
TITLE VI - CIVIL RIGHTS COMPLIANCE

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**OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID
METHODS OF ADMINISTRATION
FOR
RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE
TITLE VI - CIVIL RIGHTS COMPLIANCE**

A. PURPOSE

The purpose of this Methods of Administration is to provide a step-by-step guideline for Division of Medicaid personnel to monitor the Civil Rights and Section 504 compliance of the Program's providers of service. These procedures will help to implement an effective mechanism to reasonably insure that providers/vendors comply with the non-discriminatory requirements and guidelines of the Civil Rights Act and the Rehabilitation Act.

The revised document reestablishes written policy, procedure and guidance relative to non-discrimination by the Office of the Governor, Division of Medicaid in the administration of its federal financial assistance programs.

B. AUTHORITY

Title VI of the Civil Rights Act of 1964 prohibits federally assisted programs from discriminating on the basis of race, color or national origin (including persons with limited English proficiency). Pursuant to this Act: "No person in the United States shall, on the ground of race, color, or national origin (including persons with limited English proficiency) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies."

Additionally, Title VI Regulations requires that State Agencies, receiving funds from Department of Health and Human Services (DHHS), develop and maintain Methods Of Administration (MOA).

****** *Reference Title VI of the Civil Rights Act of 1964
(45 Code of Federal Regulations (CFR) Part 80).***

As part of the Rehabilitation Act of 1973 (Public Law 93-112) Congress enacted Section 504, which provides that, "No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance (including persons with HIV/AIDS)."

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******Reference Section 504 of the Rehabilitation Act of 1973
(45 Code of Federal Regulations (CFR) Part 84)**

Both of these regulations cover the provisions of services and employment practices.

C. POLICY

The Division of Medicaid is committed to assuring that all program benefits are made available to all persons and provided to all eligible individuals, without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin (including persons with limited English proficiency).

PART I
Assignment of Responsibility for Implementation
of Title VI and Section 504

Division of Medicaid has assigned the responsibility of the Civil Rights and Section 504 Compliance to the Beneficiary Relations Bureau. The related duties of this assignment shall be:

- a. Responding to complaints of discrimination through investigation and written documented replies;
- b. Preparation of Compliance Reports and participation data for submission to the Office for Civil Rights upon request;
- c. Conducting compliance reviews of providers and providers' facilities;
- d. Acting as a liaison between the Division of Medicaid and the Office of Civil Rights;
- e. Acting as a liaison between the Division of Medicaid and minority and disability groups or other community groups concerned with the delivery of services;
- f. Monitoring essential records and files relative to civil rights and the civil rights program under the Division of Medicaid.

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PART II
Title VI and Section 504 Compliance by Other
Participants in Division of Medicaid Programs

Division of Medicaid shall recognize that its obligations for compliance extends to providers and their contractors of services and other providers of services, financial aid and other benefits under the Division of Medicaid program. Division of Medicaid will provide assurance that such participants in its programs comply with the Title VI and Section 504 regulations by:

- a. Furnishing all providers and other participants with a clear written explanation of their responsibilities under the Title VI and Section 504 regulations;
- b. Requiring all providers and other participants to execute, in writing, an assurance that they will comply with Title VI, Section 504, and the implementation of related regulations (such assurances may take the form of a statement printed on the vouchers submitted by the vendor for reimbursement by Division of Medicaid);
- c. Recognizing that assurance of compliance serves primarily as notice to participants of the program that they must comply with Title VI and Section 504, and does not automatically indicate actual compliance with Title VI, Section 504, and the implementation of related regulations;
- d. Conducting periodic Title VI and Section 504 compliance reviews of designated providers and other participants at least yearly is recommended, and more frequently in those cases where discrimination is alleged or suspected.

PART III
Dissemination of information to Beneficiaries
and the General Public

Division of Medicaid will take steps to inform all beneficiaries, potential beneficiaries and the general public of the fact that services, financial aid and other benefits are provided on a non-discriminatory basis as required by Title VI and Section 504. In addition, such persons shall be notified of their rights to file a complaint if they believe they have been discriminated against on the basis of race, color or national origin (including persons with limited English proficiency), physical or mental disability. Such persons will be informed that they have the right to file a complaint with Division of Medicaid or the Office of Civil Rights, Atlanta, Georgia. This may be accomplished by:

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- a. Including the Division of Medicaid Title VI and Section 504 non-discrimination policy in all brochures, pamphlets, communications radio and TV announcements, etc. which are designed to acquaint potential beneficiaries and members of the general public with the Division of Medicaid programs and services;
- b. Printing such communications, as described above, in languages other than English for those in service areas which have a significant representation of persons whose dominant language is other than English.
- c. Notifying all customary referral sources of the Division of Medicaid that services and benefits are provided in a non-discriminatory manner; and
- d. Displaying in prominent places in all its offices, and in its provider facilities, posters indicating the Division of Medicaid non-discriminatory policy under Title VI and Section 504.

PART IV
COMPLAINT POLICY AND PROCEDURE

Division of Medicaid has established a complaint policy and procedure which provides that :

- a. Any person who believes that he or she, or any specific class of persons, is subjected to discrimination on the basis of race, color, national origin (including persons with limited English proficiency), physical or mental disability may or by a representative, file a written complaint;
- b. The time period for filing a complaint is no more than 180 days from the date of the alleged discriminatory act (s);
- c. The Civil Rights/Section 504 Coordinator may extend the time for filing a discrimination complaint;
- d. No person, who has filed a complaint, testified, assisted or participated in any manner in the investigation of a complaint, shall be intimidated, threatened, coerced or discriminated against;
- e. Complaints will be brought to the attention of the Executive Director of the Division of Medicaid;

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- f. Division of Medicaid will conduct a prompt and thorough investigation of complaint;
- g. The Civil Rights/Section 504 Coordinator will, based on the complaint investigation, determine whether or not discrimination did, in fact, occur;
- h. If discrimination has occurred, Division of Medicaid will take all necessary action to correct the discriminatory practice(s);
- i. The complainant will be advised, in a timely fashion of the findings of Division of Medicaid regarding his or her complaint and advised of the right to appeal to the Office of Civil Rights if not satisfied with Division of Medicaid decision;
- j. Records will be maintained, which show the nature of the complaint, the details of the investigation, and the actions taken by Division of Medicaid; and
- k. In those cases where the complaint is initially filed with the Office of Civil Rights, the latter office may proceed to investigate the complaint utilizing its own resources or it may request Division of Medicaid to conduct the investigation.

PART V
WRITTEN NON-DISCRIMINATION POLICY

Division of Medicaid will have a written non-discrimination policy which effectively communicates that the services, financial assistance and other benefits of its program(s) are provided in a manner that does not discriminate on the basis of race, color, national origin (including persons with limited English proficiency) or disability.

PART VI
CONTINUING COMPLIANCE

Division of Medicaid will have procedures for monitoring all aspects of the providers operation to assure that no policy or practice is, or has the effect of, discriminating against beneficiaries or other participants on the basis of race, color, national origin (including persons with limited English proficiency) or disability.

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The monitoring procedures of Division of Medicaid shall include a review of the following providers in the stated manner:

Hospitals	Shall be reviewed once every two years
Long-term Care Facilities	Shall be reviewed once every two years
Physicians and Dentists	Shall be reviewed annually through a random selection ratio of 10% of participating providers

Providers who have completed their compliance with the Medicare Program will be requested to submit copies of their current Medicare certification approval letter and shall not be required to complete the prescribed Medicaid compliance review forms. Medicare compliance mirrors the Medicaid compliance review requirements, as both programs are recipients of federal financial assistance and are monitored by the Office of Civil Rights for non-discrimination.

PART VII **CORRECTIVE REQUIREMENTS**

Division of Medicaid will take affirmative action to overcome the effects of prior discrimination in instances where the agency or the participants in its programs have previously discriminated against persons on the grounds of race, color, national origin (including persons with limited English proficiency) or disability.

Even in the absence of such prior discrimination, Division of Medicaid may, on its own motion, take affirmative action to overcome the effects of conditions which result in limiting participation of persons of a particular race, color, national origin (including persons with limited English proficiency) or disability.

PART VIII **COMPLIANCE RECORDS**

Division of Medicaid will collect, review, analyze and maintain racial, ethnic and disability data and information on its operation, which will show the extent to which minorities and persons with disabilities are participating in all aspects of its programs. Such data will also include the number of persons served, having Limited English Proficiency. Division of Medicaid will require such data and information from providers and other participants of its programs.

Division of Medicaid will make available to the Office of Civil Rights all data and information necessary to determine its compliance with Title VI and Section 504 and the respective implementing regulations as it pertains to the compliance status of its providers and other participating service providers.

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